

**MINUTES OF THE DECEMBER 4, 2006  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

***Call to Order***

Mayor Tarr called the meeting to order at 7:30 p.m.

***Invocation***

Councilman Ross offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

***Public Participation***

Mr. Jesse Speidel felt that the Town should not hire Springsted, Inc. to search for a Town Planner.

***Agenda Additions/Deletions and Adoption***

Mayor Tarr requested that "Land Acquisition" be added to agenda item number twenty, Closed Meeting. Councilman Howard motioned, seconded by Vice Mayor Speidel, to adopt the agenda as amended. The motion was unanimously approved.

***1. Approval of Minutes of the November 6, 2006 Council Meeting.***

Councilman Howard motioned, seconded by Councilman Wolffe, to approve the minutes as presented. The motion was unanimously approved.

***2. Public Hearing – Corner Lot Setback Requirements.***

The Planning Commission in their October 24 meeting recommended to Council for consideration a proposed zoning change regarding setbacks on corner lots. The proposed change will allow structures on corner lots to be placed fifteen (15) feet from the property line. The current zoning requirement is twenty-five (25) feet.

Mayor Tarr opened the public hearing.

- Mr. Jim DeMarco stated that he is in favor of the proposed setbacks on corner lots.
- Mayor Tarr closed the public hearing after hearing no further comments.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to amend Sections 3.6.5, 3.9.5, 4.3.5 and 4.6.5 – Corner Lots, item (2) wording as: *“The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures”*. The motion was unanimously approved.

### **3. Harbor Committee Report of October 11, 2006.**

Councilman Howard stated that Harbor Master, Mr. Wayne Merritt, updated the Committee on the recent boat ramp repair and the upcoming dredging of the Harbor. He added that the progress of the restroom project and a conceptual plan for a commercial boat dock were also discussed.

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

Councilman Howard announced that the next meeting will be on January 10 at 7:30 pm.

### **4. Cemetery Committee Report of October 24, 2006.**

Councilman Howard stated that the Committee approved the Cemetery Cleanup message that was recently advertised. He added that the Committee also approved a Proclamation declaring November 12-18 as Cemetery Cleanup Week. Councilwoman Richardson stated that Mr. “Woose” Reed’s father’s name was Mr. William Reed and that it was incorrectly stated as Mr. Thomas Reed in the Cemetery Cleanup message that was advertised.

Councilwoman Conklin motioned, seconded by Councilman Ross, to approve the minutes as corrected. The motion was unanimously approved.

Councilman Howard announced that the next meeting will be on January 23.

### **5. Safety Advisory and Transportation Committee Report of November 2, 2006.**

Mayor Tarr stated that the Committee was briefed on the upcoming rocket launch from Wallops Island. He added that Emergency Operations Coordinator, Mr. Bryan Rush, updated the Committee with his Emergency Management Report.

Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

### **6. Ordinance Committee Report of November 8, 2006.**

- **Adoption of Revised Ordinance: Chapter 22 – Environment, Article II – Noise**  
Town Attorney Poulson explained that there have been problems in the past with enforcement of the Ordinance by the courts due to the language of the previous Noise Ordinance. He requested that he be given time to review the proposed Ordinance with Staff and return to Council with a recommendation for the January 2, 2007 Council meeting.

Councilman Ross motioned, seconded by Vice Mayor Speidel, to postpone action on the matter until the January 2, 2007 Council meeting. The motion was unanimously approved.

## ***7. Recreation and Community Enhancement Committee Report of November 9, 2006.***

Vice Mayor Speidel stated that in the meeting, Police Chief Lewis recommended that two 4' by 8' sheets of plywood be placed adjacent to the Skate Park to be used for graffiti which will potentially prohibit vandalism at the park.

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

- **Skate Park Experimental Project to Potentially Eliminate Vandalism**

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to authorize Police Chief Lewis to place two 4' by 8' sheets of plywood adjacent to the Skate Park to be used for graffiti. The motion was unanimously approved.

## ***8. Public Works Committee Report of November 14, 2006.***

Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

- **Water Meter Request: 3570 Main Street** – Councilman Wolffe explained that there were two meters at that address in the past, but that there is only one there now. He added that the customer now wishes to restore the meter at no charge. Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the reinstatement of the second water meter to 3570 Main Street and to waive the \$3,600 availability fee, but to charge the meter connection fee of \$550. The motion was unanimously approved.

Mayor Tarr instructed Town Manager Ritter to research the Water Ordinance for the proper procedure for handling policy discrepancies such as the one in the situation discussed above.

## ***9. Planning Commission Reports.***

- **Regular October 24, 2006 Meeting** – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.
- **Special November 14, 2006 Meeting** – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.
- **Scheduling of a Date for a Public Hearing to Amend Zoning Ordinance Section 2.96, by Adding to the Definition of Main Use** – Town Attorney Poulson explained the correction to the wording for the proposed ordinance. He recommended that the proposed zoning amendment be added as a separate section of the Zoning Ordinance instead of as an addition to the definition of Main Use.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to advertise for and hold a public hearing at the January 2, 2007 Council meeting to amend the Zoning Ordinance as drafted by Town Attorney Poulson. The motion was unanimously approved.

**10. *New Position Description: Technology Specialist.***

Councilman Howard motioned, seconded by Councilman Wolffe, to send the matter back to the Budget and Personnel Committee for review. The motion was unanimously approved.

**11. *New Position Description: Water Works Development Specialist.***

Councilman Howard motioned, seconded by Councilman Wolffe, to send the matter to the Budget and Personnel Committee for review.

Ayes – Conklin, Howard, Wolffe, Tarr

Nays – Richardson, Ross, Speidel

The motion was carried.

**12. *Water Tank Contract for Engineering Services with Whitman, Requardt and Associates.***

Public Works Director Cosby explained that during the cleaning and painting of the water storage facilities, the contractors discovered that the roof and rafters at the ground storage tank were structurally damaged. He further explained that he preferred to have Whitman, Requardt and Associates provide the design services due to their demonstrated reliability as opposed to the uncertainty involved with having the low bidder furnish design and construction services.

Councilman Howard motioned, seconded by Councilman Wolffe, to award the water tank engineering services to Whitman, Requardt and Associates in the amount of \$25,500. The motion was unanimously approved.

**13. *Wastewater Study Contract with Wastewater Management, Inc.***

Town Manager Ritter explained that the Public Works Committee has conducted interviews with four engineering firms for their services for a wastewater study. He further explained that a proposal was received from Wastewater Management, Inc. in the amount of \$60,000 for Phase I.

Councilman Wolffe motioned, seconded by Councilman Howard, to award the wastewater study contract to Wastewater Management, Inc. in the amount of \$60,000 for Phase I. The motion was unanimously approved.

**14. *VDOT Resolution for Land Use Permit.***

Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adopt the following resolution for a Land Use Permit. The motion was unanimously approved.

**RESOLUTION  
OF THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE**

**WHEREAS**, it becomes necessary from time to time for the Town of Chincoteague to obtain permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across, over and upon highway systems of the Commonwealth of Virginia; and

**WHEREAS**, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of the granting to the Town of Chincoteague by the Virginia Department of Transportation of said permits for the work aforesaid;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council this 4<sup>th</sup> day of December 2006:

Section 1: That per the provisions of Section 1.064 of the Land Use Permit Manual of the Virginia Department of Transportation, the Town of Chincoteague does hereby grant assurances to the Virginia Department of Transportation that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Chincoteague and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, Department or the Commonwealth in the event of suit.

Section 2: That the Town Mayor or his designee be, and hereby is, authorized to execute on behalf of the Town of Chincoteague all Land Use Permits and related documents of the Virginia Department of Transportation.

Section.3: That this resolution shall be continuing resolution and shall not be revoked unless and sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the Town of Chincoteague shall, if requested by the Virginia Department of Transportation, furnish or shall require its contractors to furnish to the Virginia Department of Transportation a performance bond, guarantee fee or irrevocable letter of credit in a minimum amount of ten thousand dollars (\$10,000) to cover the performance of the permitted work.

**BE IT STILL FURTHER RESOLVED** that the Mayor be, and hereby is, authorized and directed to procure the insurance required by Section 1 above.

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John H. Tarr, Mayor

Attest:

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Robert G. Ritter, Jr., Town Manager

**15. Hiring of Springsted, Inc. to Assist in Planner Search.**

Town Manager Ritter explained that the Planner position was advertised and that several applications have been received. He further explained that there were no applicants that met the criteria described in the job description. Town Manager Ritter requested that Springsted, Inc. assist in the search for a Town Planner at an approximate cost of \$7,000-9,000.

It was the consensus of Council to have Town Manager Ritter re-advertise the position and to have Town Manager Ritter and/or the Budget and Personnel Committee re-examine the job description. Mayor Tarr advised that any changes in the job description needed to be approved by Council.

**16. Resolution to Add Vice Mayor Speidel to All Bank Accounts.**

Councilwoman Richardson motioned, seconded by Councilman Ross, to adopt the following Banking Resolutions to include Vice Mayor Speidel's name on the Town's bank accounts. The motion was unanimously approved.

**BANKING RESOLUTION**

*Financial Institution: Mercantile Peninsula Bank*

Chincoteague Branch  
6402 Maddox Boulevard  
P. O. Box 7  
Chincoteague Island, VA 23336

**Account No:** XX-XXXXX-X  
XX-XXXXX-X

**I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY** that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

**I FURTHER CERTIFY** that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on December 4, 2006 at which a quorum was present and voting, the following resolution was adopted:

**RESOLVED**, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this

Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X \_\_\_\_\_  
John H. Tarr, Mayor of Town of Chincoteague, Inc.

X \_\_\_\_\_  
Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.

X \_\_\_\_\_  
Anita Speidel, Vice Mayor of Town of Chincoteague, Inc.

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

**FURTHER RESOLVED**, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation’s accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent’s personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

**FURTHER RESOLVED**, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

**FURTHER RESOLVED**, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

**FURTHER RESOLVED**, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in

continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

**I FURTHER CERTIFY**, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on December 4, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

**CERTIFIED TO AND ATTESTED BY:**

x \_\_\_\_\_  
\*CLERK OF COUNCIL

x \_\_\_\_\_  
\*MAYOR, TOWN OF CHINCOTEAGUE

**BANKING RESOLUTION**

*Financial Institution: Shore Bank*

Chincoteague Branch  
6350 Maddox Boulevard  
P.O. Box 504  
Chincoteague Island, VA 23336

**Account No:** XX-XXXXXX-X  
XX-XXXXXX-X

**I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY** that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

**I FURTHER CERTIFY** that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on December 4, 2006, at which a quorum was present and voting, the following resolution was adopted:

**RESOLVED**, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:



X \_\_\_\_\_  
**John H. Tarr, Mayor of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Anita Speidel, Vice Mayor of Town of Chincoteague, Inc.**

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

**FURTHER RESOLVED**, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation's accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

**FURTHER RESOLVED**, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

**FURTHER RESOLVED**, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

**FURTHER RESOLVED**, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

**I FURTHER CERTIFY**, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand

of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on December 4, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

**CERTIFIED TO AND ATTESTED BY:**

X \_\_\_\_\_  
\*CLERK OF COUNCIL

X \_\_\_\_\_  
\*MAYOR, TOWN OF CHINCOTEAGUE

**17. *Christmas Home Decoration Judging.***

Mayor Tarr informed that the judging will be held on December 19 by anonymous judges who do not reside on the Island. He directed Town Manager Ritter to advertise for the event.

**18. *Cancellation of Regular Council Meeting Scheduled for December 21, 2006.***

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to cancel the regular Council meeting scheduled for December 21. The motion was unanimously approved.

**19. *Mayor and Council Announcements or Concerns.***

- Councilwoman Conklin announced that the Budget and Personnel Committee will meet on December 19 at 5:30 pm.
- Councilwoman Richardson asked who was liable [in the case of an accident] if poles were placed in the Commonwealth's right-of-way. Town Attorney Poulson responded that the party who placed the poles in the right-of-way is responsible.
- Vice Mayor Speidel wished everyone a Merry Christmas.
- Councilman Ross requested information about the meeting held regarding event [storm] gates. Mayor Tarr responded that the Town will participate in the project after more information is received.
- Councilman Wolffe requested that in preparation for the upcoming Budget and Personnel Committee that Town Manager Ritter consider the Technology Specialist position as a part-time position as well as full-time.
- Councilman Howard commended Police Chief Lewis and the Police Department on their efforts with raising funds for the needy families in the community.
- Mayor Tarr announced that the employees' award ceremony will be on December 15 at 3:00 pm. He also wished everyone a Merry Christmas.

**20. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters and Possible Land Acquisition.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters and possible land acquisition. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Richardson, to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Conklin, Howard, Richardson, Ross, Speidel, Wolffe

Nays- None

Absent- None

***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on January 2, 2007 at 7:30 pm. Councilman Wolffe motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager